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5

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,481	11/19/2003	Masahiro Kuroki	0505-1257P	3729
2292	7590	06/14/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				SPISICH, GEORGE D
		ART UNIT		PAPER NUMBER
		3616		

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/715,481	KUROKI ET AL.	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) 19,20 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/3/04 &amp; 9/7/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Election/Restrictions***

Applicant's election with traverse of Group I, drawn to a power transmission having output shafts provided apart in a longitudinal direction in the reply filed on March 28, 2006 is acknowledged.

Applicant argues that there is no serious burden and all the claims should be examined. Examiner disagrees and states that due to the divergent claims and different classifications for these divergent claims, there is a serious burden.

Claims 19 and 20 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 28, 2006.

### ***Drawings***

Figures 22a,22b,22c,23, 24 and 25 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not

to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

With respect to Figures 22a-c, the term "Comparison" alone is not a clear label to show that these figures are also of a conventional prior art (as interpreted by the Examiner).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,8,9,10,11,13,17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,240,506 (provided in Applicant's IDS) in view of Uchiyama et al. (USPN 6,286,619).

GB 1,240,506 discloses a power transmission mechanism for a vehicle for transmitting output of an engine (inherent) to right and left wheels via a transmission (12). Left and right output shafts (2 and 64) are provided apart in a longitudinal direction of a vehicle body.

One of the left and right output shafts is operatively connected to a forward side of the transmission and the other of the output shafts is operatively connected to a rear

side of the transmission and are spaced a predetermined distance apart in a longitudinal direction of a vehicle body.

However, it is not clear at this point if the "transmission" of GB '506 comprises a reduction gear and a differential with gearing as claimed, so Examiner is not relying on GB '506 for this claimed detail.

Uchiyama et al. discloses a transmission having a reduction gear and includes a differential. The reduction gear includes a transmission gear as claimed in claims 8,9 and 17,18, and furthermore, the arrangement of the gearing elements is known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a transmission as taught by Uchiyama et al. in the transmission arrangement of GB '506 so as to provide transmission operation and have longitudinally offset drive shafts.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,240,506 (cited by Applicant) in view of Uchiyama et al. (USPN 6,286,619) as applied to claims 1,2,4,8,9,10,11,13,17 and 18 above, and further in view of Butterfield et al. (USPN 4,873,879).

GB '506 in view of Uchiyama et al. has been discussed in the previous rejection. Although both references teach a transmission extending rearwardly from the engine, neither reference discloses a transmission having a belt continuously variable transmission.

Butterfield discloses a transmission having a continuously variable belt. Belt-type CVT's are well known in the transmission art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmission of GB '506 in view of Uchiyama et al. so as to include a belt continuously variable transmission as it is a common transmission that could be used and is taught by Butterfield et al.

Claims 5-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,240,506 (cited by Applicant) in view of Uchiyama et al. (USPN 6,286,619) as applied to claims 1,2,4,8,9,10,11,13,17 and 18 above, and further in view of Smyers (USPN 4,546,997).

GB '506 in view of Uchiyama et al. has been discussed in the previous rejection. However, neither GB '506 nor Uchiyama et al. disclose a suspension arrangement including suspension arms having a shock absorber operatively positioned between or a bell crank or "swinging mechanism" as claimed.

Smyers discloses a suspension arrangement having left and right suspension arms and a shock absorber (50) operatively positioned between the left and right suspension arms for absorbing shock therebetween. Furthermore, Smyers discloses left and right bell cranks (62) "operatively connected" to a respective one of the suspension arms and the shock absorber. There is a "swinging mechanism" (rod near 12) that is "operatively connected" to the bell cranks and a body frame for allowing left and right oscillation of the body frame. The term "operatively connected" is met by the

arrangement of Smyers as the suspension arrangement is operative together and therefore operatively connected.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suspension arrangement of the transmission and driveshaft combination of GB '506 in view of Uchiyama et al. so as to include a suspension for the wheels as taught by Smyers so as to provide a stable and enhanced performing suspension and provide improved handling.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parsons Jr. (USPN 3,598,385), Duphily et al. (USPN 4,470,611), Peterson (USPN 5,364,114), Shin (USPN 5,558,361), Tsuchida (USPN 6,386,619), Fukuda et al. (USPN 5,156,070), Sato et al. (USPN 4,360,224), Nakai et al. (USPN 4,974,693).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
June 11, 2006

*MS*

*PAUL N. DICKSON* 6/12/06  
SUPERVISORY PATENT EXAMINER  
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